



House of Representatives

General Assembly

File No. 342

February Session, 2014

Substitute House Bill No. 5252

House of Representatives, April 3, 2014

The Committee on Insurance and Real Estate reported through REP. MEGNA of the 97th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ELECTRONIC PROOF OF AUTOMOBILE INSURANCE IDENTIFICATION CARDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-112 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) (1) To entitle any person to receive or retain a motor vehicle
4 operator's license or a certificate of registration of any motor vehicle
5 when, in the opinion of the commissioner, such person has a record on
6 file with the commissioner which is sufficient, in the opinion of the
7 commissioner, to require evidence of financial responsibility for the
8 reasonable protection of other persons, the commissioner shall require
9 from such person proof of financial responsibility to satisfy any claim
10 for damages by reason of personal injury to, or the death of, any one
11 person, of twenty thousand dollars, or by reason of personal injury to,
12 or the death of, more than one person on account of any accident, of at
13 least forty thousand dollars, and for damage to property of at least ten
14 thousand dollars.

15 (2) When the commissioner requires proof of financial responsibility
16 from an operator or owner of any motor vehicle, [he] the commissioner
17 may require proof in the amounts herein specified for each vehicle
18 operated or owned by such person. If any person fails to furnish such
19 proof, the commissioner shall, until such proof is furnished, suspend
20 or revoke the license of such person to operate a motor vehicle or
21 refuse to return any license which has been suspended or revoked in
22 accordance with the provisions of section 14-111 or suspend or revoke
23 the registration of any such motor vehicle or vehicles or refuse
24 thereafter to register any motor vehicle owned by such person or
25 refuse to register any motor vehicle transferred by him if it does not
26 appear to the commissioner's satisfaction that such transfer is a bona
27 fide sale, or, if such person is not a resident of this state, withdraw
28 from such person the privilege of operating any motor vehicle in this
29 state and the privilege of operation within this state of any motor
30 vehicle owned by him. Prior to such suspension, revocation or
31 withdrawal, notice thereof shall be given by the commissioner by a
32 notice forwarded by bulk certified mail to the address of such person
33 as shown by the records of the commissioner. No appeal taken from
34 the judgment of any court shall act as a stay to any action of the
35 commissioner authorized by the provisions of this section.

36 (b) (1) Such proof of financial responsibility shall be furnished as is
37 satisfactory to the commissioner and may be evidence of the insuring
38 of the named insured or resident relative of the named insured against
39 loss on account of his legal liability for injury to or the death of persons
40 and damage to property in the respective amounts provided by this
41 section. Such proof of financial responsibility may be:

42 (A) Provided in (i) printed format in the form of a certificate signed
43 by any person authorized in writing by an officer of any company
44 authorized to issue such insurance in this state or any agent of such
45 company licensed under the provisions of section 38a-769, showing
46 that a policy of insurance in such amounts, noncancellable except after
47 ten days' written notice to the commissioner, has been issued to the
48 person furnishing such proof, [and no] or (ii) electronic format,

49 including by display of electronic images on a cellular mobile
50 telephone or other electronic device, provided, if such proof is offered
51 by display of electronic images on a cellular mobile telephone or other
52 electronic device, the commissioner may not view, and offering such
53 display shall not be construed to be consent for the commissioner to
54 view, any content on such telephone or electronic device other than the
55 proof required under this subsection. No insurance company or
56 insurance agent shall refuse to make such filing of evidence of
57 insurance during the time such insurance company has a valid policy
58 in force covering the named insured or resident relative of the named
59 insured and such company may charge a fee not to exceed ten dollars
60 for such filing; [or such proof may be the]

61 (B) The bond of a surety company or a bond with individual surety
62 owning real estate, which bond shall be conditioned for the payment
63 of such amounts and shall not be cancellable except after ten days'
64 written notice to the commissioner. Such bond shall constitute a lien in
65 favor of the state upon the real estate of any surety, which lien shall
66 exist in favor of any holder of a judgment on account of damage
67 caused by the operation of such person's motor vehicle, upon the filing
68 of notice to that effect by the commissioner in the town clerk's office in
69 the town where such real estate is located; [Such proof of financial
70 responsibility may also be evidence] or

71 (C) Evidence presented to the commissioner of a deposit by such
72 person with the State Treasurer of a sum of money or collateral, the
73 amount of which money or collateral shall be determined by and shall
74 be satisfactory to the commissioner. The State Treasurer shall accept
75 any such deposit and issue a receipt therefor, and, if such deposit is a
76 sum of money, the state shall pay interest thereon if so directed by the
77 Secretary of the Office of Policy and Management at a rate not greater
78 than the amount received by the state. The Treasurer may deposit any
79 money so received in any incorporated savings bank located in this
80 state.

81 (2) Whenever any agent of an insurance company certifies to

82 evidence of the insuring of any person, from whom proof of financial
83 responsibility has been required, by the company for which such agent
84 is authorized to solicit, negotiate or effect contracts of insurance, such
85 company shall notify the commissioner of the cancellation or
86 termination of the policy referred to in such certificate at least ten days
87 before the effective date of such cancellation or termination, provided
88 such notice shall not be required if such policy is renewed by such
89 company, and provided a policy subsequently procured and referred
90 to in a certificate filed with the commissioner shall, on the effective
91 date of such policy, terminate the policy referred to in any certificate
92 previously filed with respect to any motor vehicles designated in both
93 certificates or, in case of an operator's policy, with respect to any
94 operator designated in both certificates. Additional evidence of
95 financial responsibility shall be furnished the commissioner at any
96 time upon his request therefor.

97 (c) Such bond, money or collateral shall be held by the
98 commissioner or Treasurer, as the case may be, to satisfy any execution
99 issued against such person in any cause arising out of damage caused
100 by the operation of any motor vehicle owned or operated by such
101 person. Money or collateral so deposited shall not be subject to
102 attachment or execution unless such attachment or execution arises out
103 of an action for damages, including personal injury or death, as a result
104 of the operation of any motor vehicle. Any person who furnishes proof
105 of financial responsibility by a deposit of money or collateral shall,
106 upon the service of any writ or summons arising out of any action for
107 damages including personal injury or death caused by the operation of
108 any motor vehicle, give written notice of such service to the
109 commissioner, who shall require that additional evidence of financial
110 responsibility be furnished to satisfy any judgment in any other action.
111 If a judgment rendered against the principal on a surety or real estate
112 bond is not satisfied within thirty days after its rendition, the judgment
113 creditor may, for his own use and benefit and at his sole expense, bring
114 an action in the name of the state against the company or person
115 executing such bond. A reasonable sum, not exceeding ten dollars,
116 shall be charged for such investigation of the title of any surety's real

117 estate or of collateral so deposited and of the value of the same and for
118 the filing fee to be paid to the town clerk.

119 (d) Repealed by P.A. 73-549, S. 2, 4.

120 (e) The commissioner shall furnish any person who may have been
121 injured in person or property by any motor vehicle, upon written
122 request, with such information as has been furnished to him as
123 evidence of the financial responsibility of any operator or owner of any
124 motor vehicle.

125 (f) Any operator or any registrant whose operator's license or
126 certificate of registration has been suspended as herein provided or
127 whose policy of liability insurance or surety bond has been cancelled
128 or who fails to furnish additional evidence of financial responsibility
129 upon request of the commissioner, shall immediately return to the
130 commissioner his operator's license or certificate of registration and the
131 number plate or plates issued thereunder. If any person fails to return
132 to the commissioner the operator's license or certificate of registration
133 and the number plate or plates issued thereunder as provided herein,
134 the commissioner shall forthwith direct any motor vehicle inspector,
135 state policeman or other police officer to secure possession thereof and
136 to return the same to the office of the commissioner. Failure to return
137 such operator's license or such certificate and such number plate or
138 plates shall be an infraction.

139 (g) The commissioner may cancel such bond or return such
140 evidence of financial responsibility or the Treasurer may, with the
141 consent of the commissioner, return such money or collateral to the
142 person furnishing the same, provided one year shall have elapsed from
143 the date of the suspension of such license during which period such
144 person has not, in the opinion of the commissioner, violated any
145 provision of the motor vehicle laws referred to in subsection (a) of this
146 section. The commissioner may direct the return of any money or
147 collateral to the person who furnished the same upon the acceptance
148 and substitution of other evidence of financial responsibility or at any
149 time after one year from the expiration of any registration or license

150 issued to such person.

151 (h) Any person who forges or, without authority, signs any
152 evidence of financial responsibility required by the commissioner in
153 the administration of this section or provides in electronic format
154 fraudulent proof of financial responsibility or proof of financial
155 responsibility of an individual other than such person shall be guilty of
156 a class D misdemeanor.

157 (i) Any person from whom proof of financial responsibility has been
158 required may, at the end of twelve months, apply to the commissioner
159 for removal of such requirements in a manner as determined by the
160 commissioner. The commissioner or [his] the commissioner's
161 authorized representative may make such further investigation as may
162 be deemed necessary and, upon being satisfied that such applicant is
163 entitled to such elimination of financial requirements, may eliminate
164 the same.

165 (j) (1) To entitle any person to receive or retain a motor vehicle
166 operator's license or a certificate of registration of any motor vehicle
167 when, in the opinion of the commissioner, such person has violated
168 any of the provisions of the following-named sections and subsections:
169 Section 14-44, section 14-80h or 14-80i, sections 14-110, 14-147, 14-217,
170 as amended by this act, 14-219, sections 14-228, 14-275 to 14-281,
171 inclusive, or subdivision (1) of subsection (a) of section 53a-123 or any
172 similar provision of the laws of any other state or any territory, or who
173 has been convicted of, or has forfeited any bond taken for appearance
174 for, or has received a suspended judgment or sentence for, a violation
175 of any of said provisions, or a violation of any of the provisions of
176 sections 14-230 to 14-247, inclusive, and 38a-371, within a twelve-
177 month period following a violation of any of said sections, the
178 commissioner may require from such person proof of financial
179 responsibility to satisfy any claim for damages by reason of personal
180 injury to, or the death of, any one person, of twenty thousand dollars,
181 or by reason of personal injury to, or the death of, more than one
182 person on account of any accident, of at least forty thousand dollars,

183 and for damage to property of at least ten thousand dollars. When the
184 commissioner requires proof of financial responsibility from an
185 operator or owner of any motor vehicle, [he] the commissioner may
186 require proof in the amounts herein specified for each vehicle operated
187 or owned by such person.

188 (2) If any person fails to furnish such proof, the commissioner shall,
189 until such proof is furnished, suspend or revoke the license of such
190 person to operate a motor vehicle or refuse to return any license which
191 has been suspended or revoked in accordance with the provisions of
192 section 14-111 or suspend or revoke the registration of any such motor
193 vehicle or vehicles or refuse thereafter to register any motor vehicle
194 owned by such person or refuse to register any motor vehicle
195 transferred by [him] such person if it does not appear to the
196 commissioner's satisfaction that such transfer is a bona fide sale, or, if
197 such person is not a resident of this state, withdraw from such person
198 the privilege of operating any motor vehicle in this state and the
199 privilege of operation within this state of any motor vehicle owned by
200 [him] such person. Prior to such suspension, revocation or withdrawal,
201 notice thereof shall be given by the commissioner by a notice
202 forwarded by bulk certified mail to the address of such person as
203 shown by the records of the commissioner. No appeal taken from the
204 judgment of any court shall act as a stay to any action of the
205 commissioner authorized by the provisions of this section.

206 Sec. 2. Section 14-217 of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective October 1, 2014*):

208 (a) (1) No person who is operating or in charge of any motor
209 vehicle, when requested by any officer in uniform, by an agent
210 authorized by the commissioner who presents appropriate credentials
211 or, in the event of any accident in which the car [he] such person is
212 operating or in charge of is concerned, when requested by any other
213 person, may (A) refuse to give his name and address or the name and
214 address of the owner of the motor vehicle or give a false name or
215 address, [or] (B) (i) refuse, on demand of such officer, agent or other

216 person, to produce his motor vehicle registration certificate, operator's
 217 license and any automobile insurance identification card for the
 218 vehicle issued pursuant to section 38a-364, or (ii) refuse to permit such
 219 officer, agent or such other person to take the operator's license,
 220 registration certificate and any such insurance identification card in
 221 hand for the purpose of examination, or (C) refuse, on demand of such
 222 officer, agent or such other person, to sign his name in the presence of
 223 such officer, agent or such other person.

224 (2) No person may refuse to surrender his license to operate motor
 225 vehicles or the certificate of registration of any motor vehicle operated
 226 or owned by him or such insurance identification card or the number
 227 plates furnished by the commissioner for such motor vehicle on
 228 demand of the commissioner or fail to produce his license when
 229 requested by a court.

230 (3) Violation of any provision of this [section] subsection shall be an
 231 infraction.

232 (b) A person who is operating or in charge of any motor vehicle may
 233 provide an automobile insurance identification card demanded under
 234 subsection (a) of this section in paper or electronic format, including by
 235 display of electronic images on a cellular mobile telephone or other
 236 electronic device, provided, if such identification card is offered by
 237 display of electronic images on a cellular mobile telephone or other
 238 electronic device, the officer, agent or other person may not view, and
 239 offering such display shall not be construed to be consent for the
 240 officer, agent or other person to view, any content on such telephone
 241 or electronic device other than the identification card.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	14-112
Sec. 2	October 1, 2014	14-217

Statement of Legislative Commissioners:

In section 1(b)(1)(A)(ii), "devices" was changed to "device" for internal consistency, and in section 1(h), the new language was moved to after "section" for accuracy.

INS *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which adds electronic formats to the list of acceptable proof of a motorist's financial responsibility, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5252*****AN ACT CONCERNING ELECTRONIC PROOF OF AUTOMOBILE INSURANCE IDENTIFICATION CARDS.*****SUMMARY:**

This bill allows a person to present proof that he or she has automobile insurance in an electronic, rather than in a printed, format, to the motor vehicle commissioner, a police officer, or, in the case of an accident, another person. "Electronic format" includes displaying an image on a cell phone or other electronic device. Displaying such proof electronically does not give the commissioner, officer, or other person permission to view any other content on the phone or device.

The bill extends the penalty for providing the commissioner with forged proof of insurance to anyone who provides her with fraudulent electronic proof of insurance. A violator is guilty of a class D misdemeanor, punishable by up to 30 days' imprisonment, a fine of up to \$250, or both. (But by law, unchanged by the bill, anyone who provides her with fraudulent non-electronic proof of insurance is guilty of a class A misdemeanor, punishable by up to one year imprisonment, a fine of up to \$2,000, or both (CGS § 14-12b).) By law, anyone who fails to provide an officer or other person with proof of insurance upon request commits an infraction.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 19 Nay 0 (03/18/2014)